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HEWLETT-PACKARD COMPANY
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P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/934,041	SOBOL, ROBERT E.	
	Examiner	Art Unit	
	Phu K. Nguyen	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Phu K. Nguyen

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (6,344,907) in view of SWANSON (5,603,034).

As per claim 1, Watanabe teaches the claimed "system for enabling users to edit graphical images", comprising: memory for storing graphical data" (Watanabe, memory 25); and "an image manager configured to render a first set of said graphical data based on a first setting of an editing parameter (Watanabe, CPU 20, and figure 8, image AT), said image manager configured to render a second set of said graphical data defining a second image based on a second setting of said editing parameter in response to a user input and to render a third set of said graphical data based on a third setting of said editing parameter in response to said user input, thereby enabling a user to comprehend, by visually comparing said second and third images, an effect of updating said editing parameter for said first image (Watanabe, column 10, lines 4-56). It is noted that Watanabe does not teaches "said second setting different than said third setting". However, Watanabe's modification target areas (Watanabe, figures 11-16) displaying different modifications of an original image suggests the use of different settings for each modifications. Thus, it would have been obvious to a person of

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ordinary skill in the art at the time the invention was made to configure Watanabe's system as claimed because the visual appearance of different modifications using different setting sets enhances the selection of the modification of the original image which allow the user to goes through several versions of graphical object. It is noted that Watanabe does not teach that the editing parameter is a "pixel color" parameter. However, Swanson teaches that the modification of color in a graphical object is well known in the art (Swanson, column 17, lines 12-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing for the graphical objects because the color edition provides different visual versions of the objects for the user to select the desired one.

Claim 2 adds into claim 1 "said image manager is further configured to render data indicative of said first setting in response to said user input" which Watanabe teaches in the example of figure 14 of the eye modification.

Claim 3 adds into claim 1 that said image manager is further configured to enable a user to define a fourth setting of said pixel color parameter and to render a fourth set of said graphical data based on said fourth setting, and wherein said fourth graphical data set defines an image that corresponds to said first image" which Watanabe teaches in the multiple modifications of the original image (e.g., figure 8) with different selection of editing parameter. . It is noted that Watanabe does not teach that the

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editing parameter is a "pixel color" parameter. However, Swanson teaches that the modification of color in a graphical object is well known in the art (Swanson, column 17, lines 12-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing for the graphical objects because the color edition provides different visual versions of the objects for the user to select the desired one.

Claim 4 adds into claim 1 "each of said second and third images corresponds to said first image" which Watanabe teaches in column 10, lines 4-56.

Claim 5 adds into claim 1 "said second and third settings are both different than said first setting" which Watanabe teaches in the modification images in figure 8

Claim 6 adds into claim 1 "said image manager is further configured to render, in response to said user input, a positioning indicator movable along a path, said second setting corresponding to a location along said path and said third setting corresponding to another location along said path, wherein a position of said image defined by said second graphical data set corresponds to said second setting location, and wherein a position of said third image corresponds to said third setting location" which Watanabe does not explicitly teach. However, it would have been obvious because the setting

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values of modifications (e.g., figure 9) in Watanabe is inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner. Furthermore, Swanson teaches that the modification of color in a graphical object by a positioning indicator movable along a path is well known in the art (Swanson, column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by a positioning indicator movable along a path for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 7 adds into claim 1 "said image manager is further configured to render, in response to said user input, a positioning indicator movable along a path, said path having a first end and a second end, wherein said image manager is configured to position said second image adjacent to said first end, and wherein said image manager is further configured to position said third image adjacent to said second end" which the cited references do not explicitly teach. However, it would have been obvious because the setting values of modifications (e.g., figure 9) in swanson is inputted by sliding along a path having two ends whose indicators go along with the modifications in an arbitrary manner to provide different visual versions for user to select.

Claim 8 adds into claim 7 said image manager is configured to enable a user to define a fourth setting of said editing parameter and to render a fourth set of said graphical data based on said fourth setting, wherein said fourth graphical data set defines an image that corresponds to said first image, and wherein said image manager is further configured to control said fourth setting based on a user input of moving said positioning indicator toward one of said ends" which the cited references do not explicitly teach. However, it would have been obvious because the multiple setting values of modifications (e.g., figure 9) in Watanabe is inputted by sliding along a path whose indicators go along with the modifications at an arbitrary manner to provide different visual versions for user to select.

Claim 9 adds into claim 7 "said second setting corresponds to a location along said path that is closer to said first end than a location along said path that corresponds to said third setting" which the cited references do not explicitly teach. However, it would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe is inputted by sliding along a path whose indicators go along with the modifications at an arbitrary manner to provide different visual versions for user to select.

Claim 33 adds into claim 1 said image manager is further configured to render a movable positioning indicator and to determine said new setting based on a location of said positioning indicator which Watanabe does not explicitly teach. However, Swanson

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teaches that the modification of color in a graphical object by a positioning indicator to determine the settings is well known in the art (Swanson, column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by a positioning indicator movable along a path to determine the setting values for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 34 adds into claim 33 "wherein said image manager is configured to determine said new setting in response to a movement of said positioning indicator closer to said second image such that said new setting, as compared to said first setting, is closer to said second setting" which the cited references do not teach. However, given Swanson's color setting through a slide bars, it would have been obvious to set up the color relatively close to each other because such color setting change will allow the user to recognize the visual effects and select the desired appearance of object.

Claim 35 adds into claim 34 said new setting is different than said second setting which the cited references do not teach. However, given Swanson's color setting through a slide bars, it would have been obvious to set up the color relatively different to each other because such color setting change will allow the user to recognize the change of visual effects and select the desired appearance of object.

Claim 36 adds into claim 33 "said positioning indicator is movable along a predefined path and wherein said image manager is configured to determine said new setting based on a location of said positioning indicator along said predefined path" which Watanabe does not explicitly teach. However, Swanson teaches that the modification of color in a graphical object by a positioning indicator to determine the settings is well known in the art (Swanson, column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by a positioning indicator movable along a path to determine the setting values for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 37 adds into claim 36 said predefined path has at least one end and wherein said image manager is configured to determine said new setting based on a distance of said positioning indicator from said end which Watanabe does not explicitly teach. However, Swanson teaches that the modification of color in a graphical object by a slider bar having different values to determine the settings is well known in the art (Swanson, column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by a

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positioning indicator movable along a path having different values to determine the setting values for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 38 adds into claim 33 said positioning indicator comprises a tab which Watanabe does not explicitly teach. However, Swanson teaches that the modification of color in a graphical object by said positioning indicator comprises a tab to determine the settings is well known in the art (Swanson, tabs 1240-260; column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by said positioning indicator comprises a tab having different values to determine the setting values for the graphical objects because the color edition such the slider bars having a tab provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 39 adds into claim 33 said image manager is configured to slide said positioning indicator along a path in response to a user input which Watanabe does not explicitly teach. However, Swanson teaches that the modification of color in a graphical object by slide said positioning indicator along a path in response to a user input to determine the settings is well known in the art (Swanson, column 17, lines 31-

38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by slide said positioning indicator along a path in response to a user input to determine the setting values for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 40 adds into claim 1 "said first user input selects said pixel color parameter" which Watanabe does not explicitly teach. However, Swanson teaches that the modification of color in a graphical object is well known in the art (Swanson, column 17, lines 12-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing for the graphical objects because the color edition provides different visual versions of the objects for the user to select the desired one.

Claim 41 adds into claim 1 said image manager determines said new setting based on a slide bar rendered by said image manager which Wananabe does not explicitly teach. However, it would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe is inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner. Furthermore,

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Swanson teaches that the modification of color in a graphical object by a positioning indicator movable along a path is well known in the art (Swanson, column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by a positioning indicator movable along a path for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 42 adds into claim 1 said image manager is further configured to determine a new setting of said pixel color parameter for said first image based on another user input and to mathematically combine said new setting with pixel color values defining said first image which the cited references do not teach. However, it would have been obvious to have the object being modified by different users because it provides the team work on a visual appearance of object collectively.

As per claim 10, Watanabe teaches the claimed "system for enabling users to edit graphical images" comprising: "memory for storing graphical data" (Watanabe, memory 25); and "an image manager configured to render, within a first graphical

window, a first set of said graphical data defining a first image based on a first setting of an editing parameter" (Watanabe, CPU 20), said image manager further configured to receive a user input for selecting editing parameter and to render a graphical window in response to said user input (Watanabe, figure 8, image AT), said graphical window including a second image based on a second setting of said editing parameter and a third image based on a third setting of said editing parameter, thereby enabling a user to comprehend, by visually comparing said second image to said third image, an effect of updating said editing parameter for said first image (Watanabe, column 10, lines 4-56). It is noted that Watanabe does not teaches "said second setting different than said third setting". However, Watanabe's modification target areas (Watanabe, figures 11-16) displaying different modifications of an original image suggests the use of different settings for each modifications. It is noted that Watanabe does not teach different graphical windows for different setting values. However, Swanson teaches that such different windows according to different settings is well known (Swanson, column 18, lines 43-45). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Watanabe's system as claimed by provide windows according to their settings because different windows provides a clear vision of change and able to compare different settings in different window.

Claim 11 adds into claim 10 "said image manager is configured to enable a user to define a fourth setting of said editing parameter, and wherein said image manager is further configured to update said first image based on said fourth setting" which

Watanabe teaches in the multiple modifications of the original image (e.g., figure 8).

Claims 12 adds into claim 10 "said graphical user interface further includes data indicative of said first setting" which Watanabe teaches in figure 8 with faces of different parameters.

Claim 13 adds into claim 10 "each of said second and third images corresponds to said first image" which Watanabe teaches in column 10, lines 4-56.

Claim 14 adds into claim 10 "said second graphical window further includes a positioning indicator movable along a path, said second setting corresponding to a location along said path and said third setting corresponding to another location along said path, wherein a position of said second image corresponds to said second setting location, and wherein a position of said third image corresponds to said third setting location" which Watanabe does not explicitly teach. However, it would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe is inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner. Furthermore, Swanson teaches that the modification of color in a graphical object by a positioning indicator movable along a path is well known in the art (Swanson, column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by a

positioning indicator movable along a path for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 15 adds into claim 10 "said second graphical window includes a positioning indicator movable along a path, said path having a first end and a second end, wherein said second image is positioned adjacent to said first end, and wherein said third image is positioned adjacent to said second end" which the cited references do not explicitly teach. However, it would have been obvious because the setting values of modifications (e.g., figure 9) in Swanson is inputted by sliding along a path having two ends whose indicators go along with the modifications in an arbitrary manner to provide different visual versions for user to select.

Claim 16 adds into claim 15 "said image manager is configured to enable a user to define a fourth setting of said editing parameter, wherein said image manager is further configured to update said first image based on said fourth setting, and wherein said image manager is configured to control said fourth setting based on a user input of moving said positioning indicator toward one of said ends" which the cited references do not teach. However, given Swanson's color setting through a slide bars, it would have been obvious to set up the color relatively different to each other several times because such color setting changes will allow the user to recognize the changes of visual effects and select the desired appearance of object among a number of modifications.

Claim 17 adds into claim 15 "said second setting corresponds to a location along said path that is closer to said first end than a location along said path that corresponds to said third setting" which the cited references do not teach. However, given Swanson's color setting through a slide bars, it would have been obvious to set up the color relatively close to each other because such color setting change will allow the user to recognize the visual effects and select the desired appearance of object.

Claim 43 adds into claim 10 "said image manager is configured to render a movable positioning indicator within said second graphical window and to update said editing parameter for said first image based on a proximity of said positioning indicator relative to said second image " which the cited references do not explicitly teach. However, it would have been obvious because the setting values of modifications (e.g., figure 9) in Swanson is inputted by sliding along a path having two ends whose indicators go along with the modifications in an arbitrary manner to provide different visual versions for user to select.

Claim 44 adds into claim 10 said image manager is configured to render a slide bar in said second graphical window which the cited references does not teach. However, given Swanson slider bars for manipulating color parameters, it would have been obvious to include in the second graphical window a slider bar because it allows the user to directly manipulate the object inside the second window.

Claim 45 adds into claim 10 "said image manager is further configured to determine a new setting of said editing parameter for said first image based on a user input and to mathematically combine said new setting with pixel color values defining said first image" which the cited references do not teach. However, it would have been obvious to have the object being modified by different settings because it provides the a visual appearance of object collectively through combination of different settings.

Claims 18-32 and 46 claim a method based on the system of claims 1-17, and 33-45; therefore, they are rejected under a similar reason.

As per claim 47, Watanabe teaches the claimed "system for enabling users to edit graphical images" comprising: "memory for storing graphical data" (Watanabe, memory 25); and "an image manager configured to render a first set of said graphical data defining a first image based on a first setting of an editing parameter for controlling image appearance and to enable a user to select among different editing parameters for controlling image appearance" (Watanabe, CPU 20), said image manager further configured to receive a user input for selecting editing parameter and to render a graphical window in response to said user input (Watanabe, figure 8, image AT), said graphical window including a second image based on a second setting of said editing parameter and a third image based on a third setting of said editing parameter, thereby

enabling a user to comprehend, by visually comparing said second image to said third image, an effect of updating said editing parameter for said first image (Watanabe, column 10, lines 4-56). It is noted that Watanabe does not teaches "said second setting different than said third setting". However, Watanabe's modification target areas (Watanabe, figures 11-16) displaying different modifications of an original image suggests the use of different settings for each modifications. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Watanabe's system as claimed because the visual appearance of different modifications using different setting sets enhances the selection of the modification of the original image which allow the user to goes through several versions of graphical object. It is noted that Watanabe does not teach that the editing parameter is a "pixel color" parameter. However, Swanson teaches that the modification of color in a graphical object is well known in the art (Swanson, column 17, lines 12-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing for the graphical objects because the color edition provides different visual versions of the objects for the user to select the desired one.

Claim 48 adds into claim 47 "said first image is within a first graphical window and wherein said second and third images are within a second graphical window that is rendered by said image manager in response to said user input" which the cited references does not teach. However, given Swanson's different graphical window for

different settings, it would have been obvious to have the second and third images inside a window because it will enhance the ability of compare the difference between two images.

Claim 49 adds into claim 48 "said image manager is configured to render a movable positioning indicator within said second graphical window and to update said editing parameter for said first image based on a location of said positioning indicator" which Watanabe does not teach. However, it would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe is inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner. Furthermore, Swanson teaches that the modification of color in a graphical object by a positioning indicator movable along a path is well known in the art (Swanson, column 17, lines 31-38). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Swanson, to configure Watanabe's system as claimed by implementing a color editing by a positioning indicator movable along a path for the graphical objects because the color edition such the slider bars provides an user interactive device to modify different visual versions of the objects for the user to select the desired one.

Claim 50 adds into claim 47 said image manager is further configured to determine a new setting of said editing parameter for said first image based on a user input and to mathematically combine said new setting with pixel color values defining said first image which the cited references do not teach. However, it would have been

obvious to have the object being modified by different settings because it provides the a visual appearance of object collectively through combination of different settings.

Claim 51 adds into claim 47 "each of said editing parameters is selected from a group consisting of color vividness, color brightness, and contrast" which the cited references do not teach. However, given Swanson color attributes (figure 10), it would have been obvious to have the color parameters to be selected from the claimed group because it provides the realistic vision of images with the attributes from vividness, brightness, and contrast.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 - 9796. The examiner can normally be reached on M-F 8:00-4:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
September 20, 2004

Phu K. Nguyen
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